

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

MOLDEX-METRIC, INC.,

Plaintiff,

vs.

3M COMPANY and 3M INNOVATIVE  
PROPERTIES COMPANY,

Defendants.

Civil No. 14-1821 (JNE/FLN)

**DECLARATION OF CHAD DROWN IN SUPPORT OF 3M'S MOTION FOR  
SUMMARY JUDGMENT AND/OR FOR JUDGMENT ON THE PLEADINGS**

I, Chad Drown, declare as follows:

1. I am an attorney at Faegre Baker Daniels LLP. I am one of the lawyers representing 3M Company and 3M Innovative Properties Company ("3M") in connection with the above-captioned action. This declaration is made on my personal knowledge and belief. In the description of the exhibits, I refer to the prior patent case, *3M Co. v. Moldex-Metric*, Civil No. 12-611 (D. Minn.), as "the Patent Case."

2. I have attached to this declaration a true and correct copy of the following documents:

**EXHIBIT 1.** U.S. Patent No. 6,070,693.

**EXHIBIT 2.** U.S. Patent No. 7,036,157.

**EXHIBIT 3.** U.S. Patent No. 5,936,208.

**EXHIBIT 4.** Prosecution History of U.S. Patent No. 5,936,208.

**EXHIBIT 5.** Prosecution History of U.S. Patent No. 6,070,693.

**EXHIBIT 6.** First Amended Complaint, January 22, 2016.

**EXHIBIT 7.** Complaint in Patent Case March 8, 2012.

**EXHIBIT 8.** Complaint in *Moldex-Metric v. 3M Co. et al.*, Civil No. 14-2921 (C.D. Cal.), Apr. 16, 2014.

**EXHIBIT 9.** 3M's Infringement Contentions in Patent Case Aug. 1, 2012 (excerpts).

**EXHIBIT 10.** Joint Claim Construction Statement in Patent Case, Nov. 1, 2012.

**EXHIBIT 11.** Moldex's Prior Art Statement in Patent Case, Sept. 14, 2012 (excerpts).  
*(Filed Under Seal.)*

**EXHIBIT 12.** Scheduling Order, Docket 70, Apr. 6, 2015

**EXHIBIT 13.** First Amended Scheduling Order, Docket 128, Nov. 2, 2015.

**EXHIBIT 14.** Scheduling Order in Patent Case, June 14, 2012.

**EXHIBIT 15.** Moldex's Brief in Opposition to Summary Judgment in Patent Case, Mar. 1, 2013. *(Filed Under Seal.)* Patent Case Dkt. No. 48 (public version).

**EXHIBIT 16.** Moldex's Summary Judgment Reply Brief in Patent Case, Mar. 7, 2013. *(Filed Under Seal.)* Patent Case Dkt. No. 53 (public version).

**EXHIBIT 17.** Transcript of Motion to Dismiss Hearing, Oct. 30, 2014 (excerpts and highlighting added).

**EXHIBIT 18.** Letter from Eileen Hunter, Jan. 29, 2016.

**EXHIBIT 19.** 3M's First Set of Interrogatories, April 8, 2015.

**EXHIBIT 20.** Moldex's Responses to First Set of Interrogatories, May 11, 2015.

**EXHIBIT 21.** Moldex's Supplemental Responses to First Set of Interrogatories, June 22, 2015.

**EXHIBIT 22.** Moldex's Second Supplemental Responses to First Set of Interrogatories, Oct. 2, 2015.

**EXHIBIT 23.** Moldex's Supplemental Responses to Interrogatories No. 2 and No. 5, Jan. 27, 2016. (*Filed Under Seal.*)

**EXHIBIT 24.** Moldex Notice of Errata in Response to First Set of Interrogatories, Jan. 27, 2016.

**EXHIBIT 25.** 3M's First Set of Requests for Admission, Aug. 31, 2015.

**EXHIBIT 26.** Moldex's Responses to First Set of Requests for Admission, Sept. 30, 2015.

**EXHIBIT 27.** 3M's Responses to Third Set of Interrogatories, Oct. 30, 2015. (*Filed Under Seal.*)

**EXHIBIT 28.** 3M's First Set of Interrogatories in Patent Case, May 18, 2012.

**EXHIBIT 29.** Moldex's Responses to First Set of Interrogatories in Patent Case, June 18, 2012.

**EXHIBIT 30.** Moldex's Supplemental Responses to First Set of Interrogatories in Patent Case, Apr. 1, 2013.

**EXHIBIT 31.** Deposition of Dr. Kenneth Cunefare, Feb. 26, 2016 (excerpts and highlighting added).

**EXHIBIT 32.** Deposition of Jeffrey Birkner, Oct. 26, 2015 (excerpts and highlighting added). (*Filed Under Seal.*)

**EXHIBIT 33.** Deposition of Daniel Dix, Mar. 27, 2013 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 34.** Deposition of Daniel Dix, Nov. 30, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 35.** Deposition of Terry Grimsley, Oct. 26, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 36.** Deposition of James Hornstein, Moldex 30(b)(6), Apr. 11, 2013 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 37.** Deposition of James Hornstein, Sept. 25, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 38.** Deposition of Frank Little, Dec. 1, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 39.** Deposition of Mark Magidson, Oct. 6, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 40.** Deposition of Bernard Mishkin, Mar. 26, 2013 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 41.** Deposition of Bernard Mishkin, Oct. 5, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 42.** Deposition of Michael Scholey, Mar. 25, 2013 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 43.** Deposition of Norman Smith, Dec. 1, 2015 (excerpts and highlighting added). (***Filed Under Seal.***)

**EXHIBIT 44.** Deposition of Stephen Young, Mar. 22, 2013 (excerpts and highlighting added). (*Filed Under Seal.*)

**EXHIBIT 45.** Moldex production document bearing production number MM00114858. (*Filed Under Seal.*)

**EXHIBIT 46.** Moldex production document bearing production number MM00009699. (*Filed Under Seal.*)

**EXHIBIT 47.** Moldex production document bearing production number MM00005599-5600. (*Filed Under Seal.*)

**EXHIBIT 48.** Moldex production document bearing production number MM00114905-06. (*Filed Under Seal.*)

**EXHIBIT 49.** Moldex production document bearing production number MM00001842. (*Filed Under Seal.*)

**EXHIBIT 50.** Moldex production document bearing production number MM00001791. (*Filed Under Seal.*)

**EXHIBIT 51.** Moldex production document bearing production number MM00000224. (*Filed Under Seal.*)

**EXHIBIT 52.** Moldex production document bearing production number MM00009644. (*Filed Under Seal.*)

**EXHIBIT 53.** Moldex production document bearing production number MM00009449. (*Filed Under Seal.*)

**EXHIBIT 54.** Moldex production document bearing production number MM00005315. (*Filed Under Seal.*)

**EXHIBIT 55.** Moldex production document bearing production number  
MM00005311. (*Filed Under Seal.*)

**EXHIBIT 56.** Moldex production document bearing production number  
MM00003185. (*Filed Under Seal.*)

**EXHIBIT 57.** Moldex production document bearing production number  
MM00009366. (*Filed Under Seal.*)

**EXHIBIT 58.** Moldex production document bearing production number  
MM00009356. (*Filed Under Seal.*)

**EXHIBIT 59.** Moldex production document bearing production number  
MM00006442. (*Filed Under Seal.*)

**EXHIBIT 60.** Moldex production document bearing production number  
MM00008653-54. (*Filed Under Seal.*)

**EXHIBIT 61.** Moldex production document bearing production number  
MM00006433. (*Filed Under Seal.*)

**EXHIBIT 62.** Moldex production document bearing production number  
MM00005285. (*Filed Under Seal.*)

**EXHIBIT 63.** Moldex production document bearing production number  
MM00006294. (*Filed Under Seal.*)

**EXHIBIT 64.** Birkner Dep. Ex. 1095. (*Filed Under Seal.*)

**EXHIBIT 65.** Birkner Dep. Ex. 1098 (excerpts). (*Filed Under Seal.*)

**EXHIBIT 66.** U.S. Patent No. 5,113,967.

**EXHIBIT 67.** U.S. Patent No. 4,852,683.

**EXHIBIT 68.** U.S. Patent No. 2,990,907

**EXHIBIT 69.** U.S. Patent No. 6,233,853

**EXHIBIT 70.** French Patent Publication No. 2,676,642

**EXHIBIT 71.** Expert Report of Dr. Sigfrid Soli (excerpts and highlighting added).

*(Filed Under Seal.)*

**EXHIBIT 72.** Grimsley Dep. Ex. 1105.

**EXHIBIT 73.** Grimsley Dep. Ex. 1106.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: April 1, 2016

*/s/ Chad Drown*

Chad Drown

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